

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JUL 16 AM 9:52
08 MJ 2167

UNITED STATES OF AMERICA,

Plaintiff,

v.

Elvia REYES-Zabala,

Defendant.

Magistrate Case No. _____

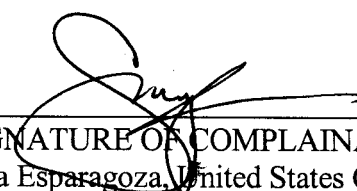
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii) -
Bringing in Illegal Aliens
Without Presentation

The undersigned complainant being duly sworn states:

On or about **July 15, 2008**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Elvia REYES-Zabala**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Maria De Lourdes SANCHEZ-Gonzalez**, **Samuel CAVALAMPIO-Calderon**, and **Fausto ARELLANO-Valencia** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 16th day of July, 2008.


UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

Tum

PROBABLE CAUSE STATEMENT

The complainant states that **Maria De Lourdes SANCHEZ-Gonzalez, Samuel CAVALAMPIO-Calderon, and Fausto ARELLANO-Valencia** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 15, 2008, at approximately 0727 hours, **Elvia REYES-Zabala (Defendant)** attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry via the vehicle primary lanes. Defendant was the driver and sole visible occupant of a stolen, 2001 Chevrolet Suburban. Defendant approached a U.S. Customs and Border Protection (CBP) officer and presented a Permanent Resident Alien Card (Form I-551) bearing the name and photo of Elva Carrasco-De Couoh. The CBP officer conducted an inspection of the vehicle, noticed a black tarp inside the cargo area, and called for assistance. Additional CBP officers responded to the scene and discovered multiple persons under a black sheet. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, fifteen individuals were removed from the cabin of the 2001 Chevrolet Suburban. All fifteen persons were determined to be citizens of Mexico without legal documentation to enter the United States. Three were retained as material witnesses and are now identified as **Maria De Lourdes SANCHEZ-Gonzalez (MW1), Samuel CAVALAMPIO-Calderon (MW2), and Fausto ARELLANO-Valencia (MW3).**

During a videotaped proceeding, Defendant was advised of her Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted she is a citizen of Mexico without legal rights or entitlements to enter the United States. Defendant admitted the I-551 she presented was not lawfully issued to her and that she intended to use it as a means to enter the United States. Defendant admitted she was going to be paid \$1,000.00 U.S. dollars in exchange for driving the vehicle containing the concealed aliens. Defendant admitted she was going to return to Tijuana, Mexico after successfully smuggling the undocumented aliens into the United States to collect the money.

On separate videotaped interviews, all three Material Witnesses declared they are citizens of Mexico without legal rights or entitlements to enter the United States. MW1 stated she was to pay a smuggling fee of \$3,000.00 U.S. dollars and intended to travel to San Bernardino, California. MW2 stated he was going to pay a smuggling fee of \$3,000.00 U.S. dollars and intended to travel to Los Angeles, California. MW3 stated he was going to pay a smuggling fee of \$2,000.00 U.S. dollars and intended to travel to Los Angeles, California. All three Material Witnesses stated they intended to enter the United States to seek employment.